

UN Convention on the Rights of the Child: Provision

Monika SADOWSKA

ABSTRACT

The study outlines the guarantees laid down in the CRC to secure the children's right to have access to certain resources and services necessary for their proper growth and development, such as the right to healthcare and education, the right to benefit from social security, as well as the right to rest and leisure, which are commonly referred to as the 'Provision Rights'. The complex nature of a child's developmental needs implies that the realisation of these rights cannot occur in isolation from protecting the rights of the family. Parents bear the primary responsibility for the upbringing and development of the child, whereas the State's responsibility is of a subsidiary nature, expressed primarily in measures to ensure that the child's needs and all-round development, which parents are unable to provide, are fulfilled.

KEYWORDS

Provision Rights, child's right to healthcare, child's right to education, child's right to social security

1. Introduction

According to Article 1 of the Convention on the Rights of the Child,¹ a child is any human being up to the age of 18 years, unless he or she attains the age of majority earlier in accordance with the law relating to the child. A child has legal subjectivity and is not the property of anyone. He or she holds all freedoms and rights guaranteed by the CRC, which he or she can gradually exercise in accordance with his or her developmental capacity. Simultaneously, as a dependent person, he requires special care and legal protection, as well as respect for his identity, dignity and privacy, as he is unable to take care of himself. The younger he is, the easier it is to harm him, as he is weak, vulnerable, innocent and naive.

The CRC considers children as human beings who are emotionally immature and physically weak, requiring harmonious formation in the spirit of peace, dignity, tolerance, freedom, equality and solidarity, in which they should be assisted by adults,

1 Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989, Dz.U., 1991, No. 120, item 526.

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with particular emphasis on family members, particularly parents, who bear responsibility for the child. This weakness, during the period of growth, is transformed into a strength for society, as the child, owing to the interactions undertaken, should become fully prepared for life in society as a uniquely shaped individual. Therefore, childhood is an important period in a person's life: the formation of personality, assimilation of a value system, and attitudes towards others. Simultaneously, they are the hope of the future. Janusz Korczak rightly observed that 'without childhood, all life is crippled'.² Children deserve special care and assistance in all areas of human life. This actualises the obligation to be guided in all actions taken by parents and other persons, including teachers and public authorities, by concern for the best interests of the child, and not solely by the indiscriminate satisfaction of the child's needs. Moreover, concern for the best interests of the child provides for the State's obligation to safeguard the child's health and educational needs.

This chapter outlines several guarantees laid down in the CRC to secure the children's right to have access to certain resources and services necessary for their proper growth and development, such as the child's right to healthcare, the right to education, the right to benefit from social security, as well as the child's right to rest and leisure, which are commonly referred to as the 'Provision Rights' within the '3Ps' division of the CRC (Provision, Protection and Participation).

2. Child's right to healthcare

In terms of concern for the child's health, the CRC, in Article 24, commits to taking steps towards:

- (a) Reduction in infant and child mortality;
- (b) Ensuring the provision of necessary assistance and healthcare to all children, with a particular focus on the development of primary healthcare;
- (c) Combating disease and malnutrition, including within the framework of primary health care, by using readily available techniques and providing adequate nutritious food and drinking water, considering the danger and risk of environmental pollution;
- (d) Ensuring that mothers receive appropriate health care during the pre- and post-natal periods;
- (e) Ensuring that all sections of society, particularly parents and children, are informed and have access to education and are supported in using basic knowledge on child health and feeding, the benefits of breastfeeding, hygiene and environmental health conditions, and accident prevention.

Antenatal care, such as care during childbirth and the first years of a child's life, is crucial for the optimal development of the child in the later stages of life and has an

| 2 Korczak, 1998, p. 121. |

impact on his or her later adult life. The perinatal care services provided to a woman during pregnancy and the perinatal period, as well as the care of the newborn, are primarily aimed at ensuring good health of the mother and baby, with medical interventions, including but not limited to caesarean sections, being minimised. Perinatal care must be based on practices with proven effectiveness and should consider the principles of maternal and newborn health safety. Continuous improvements in perinatal care standards are driven by the need to take effective action to reduce the incidence of maternal morbidity and mortality, mortality rates (perinatal, neonatal and infant), and lower rates of preterm births and low-birthweight babies.

Antenatal education is an integral part of the effective care provided to pregnant women, as the physical and intellectual development of the child and adult depends on healthy pregnancy and delivery.³ Antenatal education should promote behaviour that reduces the risk of pregnancy complications and foetal and neonatal malformations and prepares both parents for parenthood.⁴ Thus, it contributes to the parents' well-being. Among the many functions performed by birth schools, birth psychoprophylaxis is considered the most important and primary one. In addition, these schools have educational, therapeutic and supportive functions.⁵ Although pregnancy and childbirth are natural processes, they are unfortunately not free of danger, which can be remedied provided they are recognised early. Furthermore, activities conducted as part of antenatal education can effectively prevent problems during the postnatal period, such as emotional disturbances of the woman, which affect not only her health, but also the life and health of her child, as well as the relationships and functioning of all family members.⁶ Moreover, the health education of parents should be considered in preparation for the proper care of their child, which translates into proper psychophysical development and a reduction in the prevalence of infectious childhood diseases or civilisation diseases such as dental caries and obesity, which have become some of the primary public health challenges in many countries worldwide.⁷

Important in the field of perinatal and developmental care is the implementation of health services for the youngest children in the form of patronage visits or balance examinations. This is an important aspect of healthcare, as a patronage visit or doctor's appointment is often the only opportunity for a professional from outside the family to observe the child, assess the child's health, and develop a relationship with the caregivers. Negligence in this respect represents a missed opportunity to protect children, not only in terms of medical aspects, but also in terms of potential harm.⁸ Thus, it is important to develop an approach that is sensitive to the needs of

3 Sadowska et al., 2013, pp. 39 et seq.

4 Puszczalska-Lizis, Mokrzycka and Jandziś, 2016, pp. 264 et seq.

5 Ibid., pp. 264 et seq.

6 Wojdyła et al., 2019, p. 197.

7 Kędzior, et al., 2017, pp. 41 et seq.

8 Szredzińska, 2022, p. 132.

children at different periods of their lives and provide quality services in a manner that minimises fear, anxiety and suffering for children and their families.

The issue of adolescent motherhood deserves further attention. Considering the high rate of adolescent pregnancies worldwide and the increased risk of mortality and morbidity for both young women and newborns, adolescent women should be guaranteed access to health services that address specific reproductive needs, such as sex education and family planning.⁹ No girl should be deprived of childhood, education, health or aspirations. Unfortunately, becoming pregnant during early adolescence deprives women of many associated rights.¹⁰ Hence, youth-friendly health services require health professionals to be open, sensitive and confidential. Therefore, it is important to introduce legal solutions to implement programmes that promote the health and development of young people and adequately prepare them for adulthood. According to the Committee on the Rights of the Child, attention should be paid to the creation of child- and adolescent-friendly websites that allow children to safely seek age-appropriate and trustworthy advice and assistance regarding puberty and sexuality.¹¹

Information on children's health should be communicated to their parents. However, promoting health protection and proper development of adolescents also involves respecting young people's rights to the privacy and confidentiality of information, including information on health advice. This involves the obligation to respect medical confidentiality, particularly regarding adolescents' sexual and reproductive health. Medical confidentiality aims to protect the patient and information concerning him or her. The information that a patient provides to medical professionals most often falls into the category of sensitive, intimate information, which no one normally brags about. The patient lets the doctor provide intimate details of his or her life because he or she knows that without this information, he or she is unable to receive proper and effective healthcare. Simultaneously, they should be confident that they can share all important (intimate, sensitive) information that concerns them in the belief that the doctor will not disclose it to anyone.

Minor patients should also be provided the opportunity to express their opinions on the proposed medical interventions, which should be preceded by information on his or her state of health. Unfortunately, in practice, information on the state of health of teenage patients is often provided only to his or her parents. Hence, it is not surprising that minor patients, when expressing their position on this issue, report that they want 'to be taken seriously as patients who have something to say about their own health'.¹²

9 In more details: Podgórnjak et al., 2014, pp. 61-65.

10 Kempnińska, 2017, p. 23.

11 Committee on the Rights of the Child, General Comment No. 25 on the rights of the child in the digital environment, United Nations CRC/C/GC/25, Available at: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-25-2021-childrens-rights-relation> (Accessed: 3 April 2024).

12 Sadowski, Jemiolek and Sadowska, 2017, p. 32.

Adolescents should have the right to deny the presence of a relative during medical appointments. Intimacy is a special sphere in everyone's life, regardless of age, which is why adolescents may be uncomfortable with parental or guardian involvement in healthcare provision. The role of the parent is to ensure that the wishes of the minor patient are respected and that those providing the health service do not abuse their superiority.

Considering their children's developmental potential, parents should nurture, protect and help them in the process of growth and development. Today, adolescents are maturing in a world whose stability has been shattered by pandemics, wars, and their consequences. The instability of the outside world strongly imprints on the fragile psyche of adolescent girls and boys. Many young people fail to adapt to change, experience confusion or struggle with anxiety and depression.¹³ Particularly during the pandemic, there has been a decline in the mental condition of young people, the effects of which continue. Instead of the vitality characteristic of a period of intense development, many young people now experience a lack of energy, lowered motivation, and fear of the future, which is exacerbated by the instability of the modern world. Low mental health and weakened motivation to develop translate into measurable developmental and educational losses. Among young people characterised by particularly high vulnerability, this indicates a significant increase in depression and suicide attempts.¹⁴ The latter is an indicator of the mental condition of children and young people. According to research by the Dajemy Dzieciom Siłę Foundation, the highest number of suicide attempts resulting in death among children aged 10-19 years occurred in Germany and Poland.¹⁵ Suicide is the predominant cause of death among children aged 10-19 years.¹⁶

A major problem in child and adolescent psychiatric care is a lack of preventive measures. This is most often related to the insufficient availability of specialists in child psychiatry and insufficient numbers of psychologists and psychotherapists. Nevertheless, mental health protection for children and adolescents should be multifaceted and should not be reduced to interventions by psychiatrists alone. Preventive measures for mental health disorders should be implemented for parents and children, including school programmes aimed at strengthening social skills and helping them cope with difficult situations. Protecting the mental health of children and adolescents is crucial for providing them a good start in adulthood. Mental health problems noticed or diagnosed too late can lead to developmental delays and mental disorders or constitute a barrier to the child's proper development and educational, social or professional opportunities.¹⁷

It is noteworthy that children and young people experience excessive stress, particularly at school. Undoubtedly, school is the second environment after the family

13 Kolendo and Wronka, 2021, pp. 158 et seq.

14 Grzelak and Żyro, 2023, p. 44 et seq.

15 Szredzińska, 2022, p. 147.

16 Ibid., p. 131.

17 Ibid., p. 154.

home, and is supposed to provide conditions for the proper psycho-physical development of the child. The stress inherent in the educational process is a necessary means of motivation. However, in excess, it leads to the development of serious behavioural disorders in pupils, which makes it difficult to achieve the objectives of didactic and educational processes. The proportion of children and adolescents experiencing severe school-related stress has increased significantly in recent years. According to data from the latest 2018 Health Behaviour in School-age Children survey, more than two-fifths of the students surveyed experienced high or very high levels of school stress, an increase of 9% from the 2014 survey and 19% from the 2010 edition.¹⁸ School stress is often linked to emphasis placed on academic achievement. For example, early childhood education is increasingly focused on achieving learning goals and formal learning, but at the expense of play; curricula and school-hour schedules often do not consider the need to provide time for play, recreation and leisure; extracurricular activities and homework take time away from children's freely selected activities; children are required or pressured to participate in youth organisations that they have not selected themselves. Hence, it is important to focus on an individual approach to the child and provide the right environment for multifaceted (academic, cultural and social) development.

3. Child's right to education

Linked to a child's right to maximum development is the right to education, as recognised in Article 28 of the CRC. According to the wording of this provision,

1. States Parties recognise the right of the child to education and, with a view to the progressive realisation of this right on the basis of equal opportunities, in particular:
 - a) make primary education compulsory and free for all;
 - b) support the development of various forms of secondary education, both general and vocational, make them accessible to every child and take appropriate steps, such as introducing free education and providing financial assistance where necessary;
 - c) by all appropriate means make higher education accessible to all on an ability basis;
 - d) make school and career information and guidance available to all children;
 - e) take steps to ensure regular school attendance and reduce dropout rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the human dignity of the child and with this Convention.
3. States Parties shall promote and develop international cooperation in the field of education, in particular with a view to contributing to the eradication

¹⁸ Ibid., p. 139.

of ignorance and illiteracy in the world and facilitating access to scientific and technological knowledge and modern methods of instruction. In this regard, particular consideration shall be given to the needs of developing countries’.

Considering the above, the right to education is considered not as much as an obligation but as a need and, consequently, an obligation on the part of the State to provide conditions for the child’s comprehensive development (scientific, cultural and social) and education. To realise the right to education, the Convention places an obligation on States Parties to make primary education compulsory and free for all, to promote the development of various forms of secondary education, both general and vocational, to make it accessible to every child and to adopt appropriate measures, such as introducing free education and providing financial assistance where necessary, to adopt measures to ensure regular school attendance and to reduce the dropout rate. States Parties, in accordance with the provisions of the Convention, also adopt all appropriate measures to ensure that school discipline is implemented in accordance with the human dignity of the child and in conformity with the Convention, as well as to promote and develop international cooperation in the field of education, in particular, to contribute to the eradication of ignorance and illiteracy in the world and to facilitate access to scientific and technological knowledge and modern teaching methods, particularly focusing on the needs of developing countries.

The provision of Article 28 should be read in conjunction with Article 29 of the CRC, which provides that:

- ‘1. States Parties agree that the child’s education shall be directed towards:
 - a) to develop to the fullest possible extent the child’s personality, talents and mental and physical abilities;
 - b) Developing in the child a respect for human rights and fundamental freedoms and for the principles contained in the Charter of the United Nations;
 - c) developing in the child a respect for his or her parents, his or her cultural identity, language and values, for the national values of the country in which the child lives, the child’s country of origin and for other cultures;
 - d) Preparing the child for an appropriate life in a free society, in a spirit of understanding, peace, tolerance, gender equality and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
 - e) developing in the child a respect for the environment.
2. Nothing in this Article or in Article 28 shall be interpreted in such a way as to prejudice the freedom of individuals or collective bodies to establish and operate educational establishments, subject to the observance of the principles expressed in paragraph 1 of this Article and the requirements

that education in such establishments conform to minimum standards to be determined by the State concerned’.

Thus, Article 29 of the CRC not only adds a qualitative dimension to the right to education that reflects the rights and innate dignity of the child but also emphasises that education should be characterised by being child-centred, child-friendly and recognising the rights of the child. The essence of education is to equip the child with life skills aimed at self-empowerment by developing his/her knowledge and other abilities, such as dignity, self-esteem and self-confidence, while recognising that each child has unique characteristics, interests, abilities and learning needs. In this context, education should be understood broadly, not only as a process of learning at home or in educational institutions, but also as enabling the child to develop his or her personality, abilities and talents through life experiences and full participation in society. Teaching should aim to ensure that every child learns essential life skills and that no child leaves education without acquiring the skills to face the challenges of future adult life. The acquisition of basic skills should not be limited to literacy and numeracy alone, but should also include the ability to make prudent decisions, resolve conflicts, and develop healthy lifestyles, good social relationships and responsibility, critical thinking skills, creativity and other skills that will equip children with the tools they need to achieve the goals they set for themselves in later life. States Parties should respect the child’s developing capacities as a fundamental principle, conditioning actions taken from the perspective of the child’s gradual process of acquiring competence, understanding and agency. The digital environment in which children can move independently from the supervision of parents and caregivers is significant. Simultaneously, access to digital education should occur based on equal, free and safe access both at school and at home. No child should be excluded from using digital technology. This is based on the right not to be discriminated against on the grounds of gender, disability, socio-economic status, ethnic or national origin, language or any other grounds.¹⁹

The child will not lose his/her human rights when he/she enters school. Thus, education must occur in a manner that respects children’s innate dignity and enables them to express themselves freely and participate actively in school life. Schools should create a humanistic atmosphere and allow children to develop individually, according to their abilities. Teaching should be child-friendly, inspiring and motivating. Above all, it must occur in a manner that prohibits violence at school. Punishment conflicts with respect for the child’s innate dignity and strict limits of school discipline. It must not be forgotten that the punishment of minors does not refer only to physical punishment; they can be punished with words, facial expressions, and gestures. Therefore, proper and effective social campaigns aimed at shaping the moral awareness of society in this respect are important. Changing people’s

19 Committee on the Rights of the Child, General Comment No. 25 on the rights of the child in the digital environment.

attitudes is the basis for eliminating punishment in its various forms. People with greater knowledge of violence against children, in its broadest sense, can react more promptly to alarming signals. Most importantly, it is accepted that attitudes towards disciplining children can change. Effective tools here are not only legal prohibitions, but also social education aimed at considering children as individuals who deserve equal treatment.

The CRC aims to remove all discrimination in the realisation of the right to education and recognises as a principle the equal treatment of all children regardless of race, colour, gender, religion, nationality, social origin, material situation or birth. Discriminatory behaviour excludes an individual or group because of a characteristic it possesses that differs from those commonly prevailing. Discrimination violates a child's dignity as a human being and can undermine or even completely destroy a child's ability to benefit from receiving an education. Another extreme example is gender discrimination, which can be reflected in a gender-inconsistent curriculum and an unsafe or hostile environment that discourages girls from being active in the learning process. Therefore, both girls and boys should be educated without any form of discrimination. Thus, the aim should be to provide teaching that promotes understanding and respect, a conscious activity that improves knowledge and skills, influences attitudes towards countering discrimination and bias-motivated violence, and promotes equality and diversity.²⁰

Influenced by diagnosed threats, schools should modify their educational activities to shape prosocial attitudes, respect norms, and build students' sense of security. The implementation of these goals resonates with anti-discrimination measures. Appropriate preparation of teachers and educators in this area is also important. Teacher training centres should take responsibility for this process. Thus, first, it is necessary to recognise the inequalities operating in the school and to unmask exclusionary behaviour. Second, anti-discrimination prevention activities should not only be aimed at students, but also at teachers, parents and caregivers. The most important aspect is a series of educational classes that raise awareness of specific problems. In small groups, teachers and educators, in the process of interaction, cooperation, mutual help, rivalry, conflict solving, and antagonism, make the assumptions of anti-discrimination education real. Shaping attitudes and behaviours may concern areas such as indicating ways of recognising and naming one's own and others' needs and emotions, inclusion and empowerment of all persons belonging to a given community, and developing knowledge of the mechanisms of exclusion (i.e. the creation and maintenance of stereotypes, the formation of prejudices, and the phenomenon of discrimination); the development of knowledge on communication to foster communication and build a support system in conflict situations; and the teaching of universal values, which include respect for the dignity of each person and ensuring the well-being of individuals and groups.²¹ Once again, it must be emphasised that the

20 In more details: Gawlicz, Rudnicki and Starnawski, 2015.

21 Rola, 2020, p. 28.

dignity of the child comprises everything that determines his or her uniqueness and vulnerability. Therefore, there is no universal one-size-fits-all measure of a child's sense of dignity that can guide adults in dealing with their children. A child's dignity is a subjective feeling, and injuries are subjective assessments. It takes considerable sensitivity and empathy in teacher conduct to ensure that a child's dignity is not violated.

Considering the above, discrimination based on any bodily dysfunction is unacceptable. Children with disabilities must be guaranteed equal access to education by refraining from introducing legal regulations that restrict such access and by eliminating various types of architectural, IT, digital, economic and mental barriers. The latter generally concerns the reactions and attitudes of the social environment towards people with disabilities. Despite changes in cultural evolution, incompatibility between people continues to be a cause of contention, leading to isolation and marginalisation, making the process of social inclusion and, thus, the adaptation of people with disabilities, much slower and more difficult. People with disabilities, including students, are confronted with such barriers every day in the streets, shops, and many other public places. The most common reasons for these barriers are considered to be economic, but also the lack of human imagination to empathise with a blind or deaf person, who often does not have the opportunity to express his or her views, thoughts or feelings because of these barriers. Thus, they cannot fully realise and express themselves. Therefore, it is important to provide such children with access to information and the ability to communicate (also by means of information and communication technologies and systems) to contribute to their independence and participation in society. The comprehensive assistance provided to a child with disabilities aims at his/her full integration into society and, on a personal level, at his/her all-round development. This is all the more important, as children with disabilities are most often subjected to violence and prejudice because of their disability, which pushes them to the margins of social life. Decisions are often made without considering their opinions. Often, it is only through contact with peers that children realise that despite their disabilities, they are no different from others. The children then learn from and help each other. Isolating the two groups of children from each other has a negative effect on the perception of disability as something inferior, triggering aggression towards and humiliation by the weaker person. In turn, fear is aroused by an isolated person, which can lead to a withdrawal from social life. However, children with disabilities are not deprived of learning skills. They feel the need to make friends, experience love, and start a family. They have a right to their own lives, choices, and mistakes. They have the right to freedom and protection from problems. The need for love, safety, security, attachment, belonging and individualisation is common to all children, regardless of their physical or intellectual ability.

This implies the recognition of the right of a child with disabilities to special care and the provision of support to the child's caregivers in their upbringing should be a matter of priority in every State's policy. Children with disabilities receive the best care and upbringing in their family environment provided that the family has

adequate support. Family support includes education and pedagogy of the family and siblings not only about the disability and its causes but also about the specific physical and psychological requirements of each child; psychological support that considers the stresses and difficulties experienced by families of children with disabilities, teaching the common language used by the family to communicate (for example, sign language to improve communication with a deaf person); and material support in the form of allowances, as well as consumer goods and needed equipment such as furniture and mobility devices, which are considered essential for a child with a disability to lead a reasonably normal independent life and fully integrate into the family and society. In this context, support should also be extended to children whose caregivers experience disabilities. For example, a child living with a parent with a disability should receive support that fully protects his or her rights and allows him or her to live with his or her parent as long as it is in his or her best interests to do so. Support services should include various forms of out-of-family care such as in-home caregiver support, volunteers, and physical therapists helping with the child or parents with a disability. Such services enable parents to find employment, reduce stress, and sustain healthy family environments.²²

Every child has the right to receive quality knowledge, which requires a focus on the quality of teaching and learning processes, teaching materials, and teaching performance. It is important to conduct an ongoing evaluation that considers the opinions of all actors involved in the learning process, including children in or out of school, teachers, student council presidents, and parents. Children should have the right to express their own views and opinions to learn to participate in society and be effective advocates for their own rights, both individually and as a group.²³ It is crucial that children, parents and teachers have a real impact on educational decisions. The CRC emphasises respect for the rights and responsibilities of parents, who must guide and advise the child appropriately in the exercise of his or her rights and ensure that a family environment based on love, care, respect and understanding is created to foster the child's development. State authorities, in turn, have the task of assisting parents in their parenting responsibilities, including supporting them through education, to strengthen their understanding of their role in educating young people and preparing them to function in society.

4. Child's right to rest and leisure

Education is usually identified as preparing the child for future work and adapting to adult life, in which he or she should be able to find a balance between responsibility and pleasure. Therefore, inherent in education is the development of a leisure style by

²² Jaros and Michalak, 2015a, p. 541.

²³ Committee on the Rights of the Child, General Comment No. 25 on the rights of the child in the digital environment.

ensuring that the child realises his or her right to rest, participate in age-appropriate play and leisure activities, and participate unhindered in cultural and artistic life. Play is one of the most characteristic features of early childhood in which children use and try out acquired abilities to develop creativity, imagination, self-confidence, independence, and cognitive and emotional skills. Play and recreation contribute to children's abilities to negotiate, make decisions, and resolve conflicts in a peer group; they learn to build their own positions in the world. Clearly, it should be adapted to the age of the child to determine the amount of time allocated to recreation; the nature of the places, spaces and facilities available; the form of stimulation and differentiation; the degree of supervision required; and the involvement of adults to ensure children's safety. As children become older, their needs and desires change, and they gradually move away from places designed for play to places that provide them with opportunities to develop a social life and spend time with their peers or by themselves. Over time, they will increasingly explore opportunities to engage in riskier activities and challenges. These experiences are essential for the development of both children and young people. Young people often seek places where they can meet their peers, discover increasing independence, and enter adulthood. This is an important dimension in developing a sense of identity and belonging.²⁴

In addition, resting from learning and other daily responsibilities is as important for a child's optimal health and well-being as nutrition, healthcare, or a roof over one's head. A lack of rest deprives children of energy and motivation, and thus, the physical and mental capacity to participate meaningfully in society or to learn. Depriving a child of leisure opportunities can have irreversible physical and psychological consequences on their development, health and well-being. Further, children need leisure time, understood as time and space free from obligations, entertainment or stimuli that will not be planned by adults and which they can spend as actively or passively as they wish.²⁵

The right to rest, leisure and play is enjoyed by all children equally, regardless of gender and degree of intellectual or physical ability. The basic functions of leisure time are creativity, perception, recreation, and socialisation. Therefore, it can be said to be a boon—a time in which every child's personality can be developed and shaped. Therefore, States Parties should ensure a balance between the promotion of educational and cultural opportunities for children and recreational alternatives in the locations where children live. This is particularly important during early childhood, when children acquire motor coordination, social skills and emotional intelligence, primarily through play involving physical movement and direct interaction with peers. For older children, play and recreation involving physical activity, team games and other outdoor recreational activities can provide health benefits and shape

²⁴ Jaros and Michalak, 2015b, p. 770.

²⁵ Ibid., p. 767.

their functional and social skills.²⁶ Therefore, it is important to prepare children to spend their leisure time rationally from an early age as many preferences and habits are being formed. Preparing children to use their leisure time wisely depends largely on the family in which the child is raised. Family, as a circle of environment, has a significant influence on the development of all areas of a child's life. Parents' contact with their children should not be limited to helping with lessons or creating special educational situations. The parent should look for forms of contact with the child, such as playing together, sports and physical activities, DIY, and reading books and magazines, which should develop the child's creativity and shape his/her personality. Parents should provide leisure activities for their child in such a way that they 'compensate for the disadvantages of the school-age child's lifestyle, mainly sedentary posture. Outdoor physical activities and walks are important here. The child's need for sleep is also important here. It is important to ensure that the child sleeps around 11 hours and that nothing disturbs his sleep'.²⁷ Currently, the most common way children spend their leisure time is watching television programmes and playing computer games, followed by playing with friends. A small percentage of children spend their leisure time developing their personal interests. According to the children, digital technologies are indispensable in their present and future lives because they can access worldwide information, pursue interpersonal relationships, and have fun and joy.²⁸ In such a case, where the media plays a significant role in relaxation and leisure time, it is important that parents, when spending time with their children, make the most of it to express and share their emotions with their children, be open to their children's suggestions, observe their children and learn from their play together, go out of the house, and spend time together.²⁹ This is all the more important as the digital environment plays an increasingly important role in most aspects of children's lives, including situations of crisis, creating the risk of abuse, and violation of their rights. Content from the web can be unreliable, introducing chaos and misinformation. However, they are full of aggression, brutality, and erotic content, which can lead to sexual exploitation and abuse, bullying, and the promotion and encouragement of suicide or life-threatening activities. Therefore, it is important to care for the relationships between children and parents and within peer groups. Thus, States Parties should pay particular attention to the risks associated with the use of digital technologies by children, particularly in the first years of their lives, when relationships with parents are crucial in shaping the child's cognitive, emotional and social development. Therefore, parents, teachers, and educators should receive training and practical guidance on the appropriate use of digital devices considering the results of research on the effects of digital technology on child development, particularly during

26 Committee on the Rights of the Child, General Comment No. 25 on the rights of the child in the digital environment.

27 Stadniczeńko, 2015, p. 194.

28 Committee on the Rights of the Child, General Comment No. 25 on the rights of the child in the digital environment.

29 Ibid., p. 196.

early childhood and adolescence. Such training programmes should also include information on how to protect children's privacy and prevent victimisation, and how to recognise a child victim of online or offline harm and respond appropriately.³⁰

5. Child's right to social security

The chief tenets of the CRC are based on the principles of the child's subjectivity, the best interests of the child, the child's welfare, respect for rights, parental responsibility, and the state's assistance in securing adequate living conditions.³¹ The CRC also explicitly formulated, for the first time, the right of children to benefit from social security. According to Article 26 of the CRC,

'1. States Parties shall recognise the right of every child to benefit from a system of social security, including social insurance, and shall take the necessary steps to achieve the full realisation of this right in accordance with their domestic law. 2. Wherever possible, the above benefits should be secured taking into account the resources and living conditions of the child and those responsible for his or her maintenance, as well as any other circumstances relating to the application of the implementation of the benefits claimed by or on behalf of the child'.

Thus, the parties undertook to safeguard the rights of each child to benefit from the social security system, considering the resources and living conditions of the child and those responsible for his or her maintenance, as well as any other circumstances related to the implementation of benefits. In doing so, it is noteworthy that Article 27 of the CRC places the responsibility for safeguarding the child on the child's parents or guardians within their capacity, conditions and financial resources. Paragraph 2 states that the parents or other persons responsible for the child bear the primary responsibility for securing, within their capacity, the living conditions necessary for the child's development. Certainly, the provision of an adequate standard of living for the child should be tailored to the child's individual needs and abilities, consistent with the child's comprehensive, harmonious and full development. Simultaneously, the CRC obliges to enforce those who are obliged to support the child to provide adequate support and living standards. A child's well-being is a product of the environment created by his or her family, into which he or she is born and in which he or she grows. Growing up in relative poverty threatens a child's physical and psychological well-being, social integration and self-esteem, and limits his or her prospects for education and development. Moreover, it endangers the child's life and health and

30 Committee on the Rights of the Child, General Comment No. 24, paragraph 22 and General Comment No. 20, paragraphs 9-11, United Nations 2016.

31 Czyż, 1996, p. 346.

compromises the quality of life. Hence, it is important to provide material assistance and other support programmes to children and families to ensure their standards and quality of life. This regulation is an expression of the principle of subsidiarity consisting in the primacy of family responsibilities over public³² and the limited possibilities for children to perform legal acts, which, however, does not diminish their subjectivity.

The satisfaction of a child's basic needs must not depend on the wealth of his or her guardians, in which case Article 27 Paragraph 3 of the CRC obliges States to adopt appropriate measures to support the fulfilment of this right by those responsible for the child to provide material assistance and other assistance programmes. Among the forms of this assistance, in addition to social assistance in the form of appropriate material benefits, one can point to programmes of family support and counselling, family therapy, and professional activation of parents. However, the provision sets limits for public assistance, which are the resources available to the State and national conditions.

6. Summary

The analysis presented here is only a sign of issues concerning a child and his/her rights. However, it demonstrates that the child has the right to dignity, respect, and protection of his or her health, comprehensive development, leisure, and security of basic needs, considering the best interests and welfare of the child. The complex nature of a child's developmental needs and the risks that exist against them mean that the realisation of these rights cannot occur in isolation from the protection of the rights of the family, which is the best environment for the development and upbringing of the child. By their nature, parents have the widest access to their children and generally enjoy their authority. They bear the primary responsibility for the upbringing and development of the child and the best interests of the child are of the greatest concern. States Parties are to provide appropriate assistance and support to parents and guardians for them to fulfil their child-rearing responsibilities. The State's responsibility here is of a subsidiary nature, expressed primarily in measures to ensure that the child's needs and all-round development, which parents are unable to provide, are fulfilled. These include healthcare, schooling, securing social rights, assisting parents in discharging their duties towards their children, and supervising the proper execution of these duties.

32 Siejka, 2018, p. 111.

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